WOMEN'S POLICY OFFICE

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CHANGING YOUR NAME

In western culture, surnames are the outward indicators that we are descendants of male ancestors. This tradition has remained unquestioned through the ages. The conferring (or imposition) of the surnames of fathers and husbands is viewed as the method by which women and children become legitimate persons.

Adults Names

It may be surprising to learn that there is no law in the statutes of Newfoundland and Labrador that requires a woman to change her name. If she marries, she can:

* retain her birth name
* adopt her husband's name
* use some combination of both.

Married men have the same options, but to date, the practice of men adopting their wives' surname has been far from widely accepted.

Children's Names

The most common practice among married couples is to have the child registered in the father's surname.

In order to receive the mother's name or a hyphenated combination of both, the parents must complete and sign a "Declaration for the Purpose of Assigning Surname for Birth Registration Purposes," available on request from Vital Statistics, Department of Health.

Completion of this form is also required of unmarried parents who wish to register their child in either the mother's name, the father's name, or a combination of both. Children of an unmarried mother would be given the mother's surname unless consent of the father is given.

Application for Change of Name

A child's name may be changed by formal application to the Minister of Justice under the Change of Name Act. The following rules apply:

* You cannot change the name of a child who is twelve years of age or over without his/her consent.
* A widow can apply to change the given name or surname of each child who is also a child of her deceased spouse. If she remarries, she can apply to change the surnames of her children to that of her husband's, with his consent.
* With the consent of the father, a divorced woman who has legal custody of her children can apply to change the name of each child. (in certain instances, the consent requirement may be waived, see next page).
* Where the parents of a child have never married, the parents having legal custody can apply to change the name of the child.
* An unmarried mother who marries or cohabits with a man can apply to change the surname of her child to that of her spouse or partner but only with his consent.

Conditions Under Which the Consent Requirement May be Waived:

* where the applicant is unable to obtain the required consent of another person

* where a person whose name is required has been declared mentally incompetent, an agent appointed in respect of that person, may consent to the application on his or her behalf.

Procedures for Change of Name

The applicant must publish in one issue of the Newfoundland Gazette, not more than two months prior to the receipt of the application by the Minister, a notice, in the prescribed form of the application, stating the present and proposed names of each individual whose surname may be changed as a result of the application. (If is deemed that the applicant would be unduly prejudiced or embarrassed by the publication or if the change is of a minor nature, the requirement to publish may be waived by order of the Minister).

The application for change of name should be filed with the Minister of Justice on the prescribed form and should be accompanied by:

* a clipping of the notice as published in the Gazette
* an affidavit outlining the reason for the application
* required consent forms
* birth certificates or other acceptable proofs of name or identity of the applicant and all other persons whose name may be changed as a result of the application
* if applicable; proof of dissolution of marriage and documents relating to lawful custody of children named in the application
* other information that may be required by the Minister

Fees

Cost of Gazette Notice	$10.00	
Cost of Application	20.00	
Total	$30.00	(subject to change)

Address

To obtain the prescribed forms and further information, call or write:

For Registration

Vital Statistics
Department of Health
P.O. Box 8700
St. John's, NF
A1B 4J6

Phone: 576-3308

For Change of Name

Department of Justice
P.O. Box 8700
St. John's, NF
A1B 4J6

Phone: 576-2889